

From: [Saric, James](#)
To: [Wood, Nicole](#)
Subject: RE: Kalamazoo - TSCA follow up
Date: Thursday, May 16, 2013 3:54:00 PM

Nicole,

Yeah, go ahead and toll the dispute until 6/3. Also, ask Allison to make sure Chase copies you on the extension letter. I'll be able to check my email tomorrow, but I will not be back in the office after today until Thursday 5/23. I think we should tell them that we are okay with a schedule extension, since we are making progress, however we can't agree to the exact date until 6/3. Does that make sense to you?

Jim

From: Wood, Nicole
Sent: Thursday, May 16, 2013 3:47 PM
To: Saric, James
Subject: RE: Kalamazoo - TSCA follow up

Hi, Jim.

Alison said that Chase is preparing an official request that more or less memorializes your conversations with him in regard to extending the due date for the FS. They are requesting tolling of the dispute resolution separately. It is my understanding that they will not invoke dispute resolution and they are only asking for the extension just in case we do not reach an understanding during our call on May 31.

Thank you for getting back so quickly. You're the best! (by the way, Charles Mikalian was very impressed with your presentation).

I will go ahead and confirm our availability for the meeting—are you OK with me agreeing to the tolling of the dispute resolution period?

From: Saric, James
Sent: Thursday, May 16, 2013 3:33 PM
To: Wood, Nicole
Subject: RE: Kalamazoo - TSCA follow up

Nicole,

I am available on 5/31. However, how do we handle the fact that the FS document is due on 5/21? Do we toll the dispute until 6/3 and also grant an extension until that date?

Jim

From: Wood, Nicole
Sent: Thursday, May 16, 2013 3:20 PM
To: Saric, James
Subject: FW: Kalamazoo - TSCA follow up

Hi, Jim.

Does the below date and time work for you and are you OK with tolling the dispute resolution period so that the last day for them to invoke dispute resolution is June 3?

From: Lathrop, Alison J. (GP LAW) [<mailto:Alison.Lathrop@GAPAC.com>]
Sent: Thursday, May 16, 2013 2:28 PM
To: Wood, Nicole
Cc: Davis, Michael (GP Law)
Subject: RE: Kalamazoo - TSCA follow up

Nicole – GP is available for the TSCA follow up call on Friday, May 31 at 2 Eastern/1 Central. We can use the following call in number:

Dial in No.: 888-248-5901

Participant Code: 4046524532

Michael Davis, Garry Griffith, Chase Fortenberry and I will be participating for GP.

As we discussed, GP is requesting an additional tolling of the dispute resolution period for the Area 1 FS until Monday, June 3 to allow GP and EPA to discuss and potentially resolve outstanding issues on the May 31 call. Please confirm that EPA is agreeable to this additional tolling.

Thank you.

Alison

From: Wood, Nicole [<mailto:wood.nicole@epa.gov>]
Sent: Wednesday, May 15, 2013 4:13 PM
To: Lathrop, Alison J. (GP LAW)
Cc: Davis, Michael (GP Law)
Subject: RE: Kalamazoo - TSCA follow up

Hi, Alison.

Jim is out of the office each day next week except for Thursday. Unfortunately, I am not in on Thursday.

Would May 31 work for GP? We are available anytime that day.

From: Lathrop, Alison J. (GP LAW) [<mailto:Alison.Lathrop@GAPAC.com>]
Sent: Wednesday, May 15, 2013 1:08 PM

To: Wood, Nicole; Davis, Michael (GP Law)
Subject: Re: Kalamazoo - TSCA follow up

Nicole - Would you and Jim be available for a TSCA call on Monday from 3 to 4 Central or Tuesday from 9 to 10 Central? Michael, Chase, Garry and I would participate for GP. Thanks.

Alison

From: Wood, Nicole [<mailto:wood.nicole@epa.gov>]
Sent: Tuesday, May 14, 2013 10:59 AM Central Standard Time
To: Lathrop, Alison J. (GP LAW); Davis, Michael (GP Law)
Subject: RE: Kalamazoo - TSCA follow up

Hi, Alison and Michael.

After we spoke, I had a call with Jim Saric. He suggests (and I agree) that we have an attorney/technical meeting to work out the necessary language in the FS as it relates to TSCA. As we discussed yesterday, it is my opinion that the FS simply needs to reference already existing information that supports a conclusion that certain remedial options in the FS will meet the TSCA risk-based disposal requirement set forth in 761.61(c).

Jim also mentioned that he was under the impression based on his conversations with Chase that GP was going to request an extension past May 22 to incorporate EPA's comments to the FS.

At your convenience, please let me know if Jim's suggested path forward works for you.

Thank you.

Nicole

From: Lathrop, Alison J. (GP LAW) [<mailto:Alison.Lathrop@GAPAC.com>]
Sent: Tuesday, May 07, 2013 3:50 PM
To: Wood, Nicole
Cc: Davis, Michael (GP Law)
Subject: RE: Kalamazoo - TSCA follow up

Thanks Nicole. Michael and I will plan to call your office at noon Central on Monday, May 13, unless we should reach you at a different number/location.

From: Wood, Nicole [<mailto:wood.nicole@epa.gov>]
Sent: Tuesday, May 07, 2013 4:44 PM
To: Lathrop, Alison J. (GP LAW)
Cc: Davis, Michael (GP Law)
Subject: RE: Kalamazoo - TSCA follow up

Yes, 1:00 eastern/12:00 pm central works for me.

From: Lathrop, Alison J. (GP LAW) [<mailto:Alison.Lathrop@GAPAC.com>]
Sent: Tuesday, May 07, 2013 12:48 PM
To: Wood, Nicole
Cc: Davis, Michael (GP Law)
Subject: RE: Kalamazoo - TSCA follow up

Nicole – Would sometime between 10 and 2 Eastern (9 and 1 Central) Monday work?

From: Wood, Nicole [<mailto:wood.nicole@epa.gov>]
Sent: Tuesday, May 07, 2013 11:58 AM
To: Lathrop, Alison J. (GP LAW)
Cc: Davis, Michael (GP Law)
Subject: RE: Kalamazoo - TSCA follow up

I haven't had the opportunity to speak with Jan or Eileen. Can we schedule something for next week?

From: Lathrop, Alison J. (GP LAW) [<mailto:Alison.Lathrop@GAPAC.com>]
Sent: Tuesday, May 07, 2013 10:56 AM
To: Wood, Nicole
Cc: Davis, Michael (GP Law)
Subject: RE: Kalamazoo - TSCA follow up

Nicole – Just following up to see if you will have some availability to discuss this afternoon or tomorrow. Thanks.

Alison

From: Wood, Nicole [<mailto:wood.nicole@epa.gov>]
Sent: Friday, May 03, 2013 4:30 PM
To: Lathrop, Alison J. (GP LAW)
Cc: Davis, Michael (GP Law)
Subject: RE: Kalamazoo - TSCA follow up

Alison,

Thank you for your email. We are happy to discuss the TSCA regulations and our comments to the FS as they relate to TSCA.

I will coordinate with Eileen and Janet about their availability and hopefully will be able to provide you with some times for Tuesday and Wednesday (I am booked on Monday).

The Region 5 documents that you sent us are consistent with comments that we made to the FS report, so perhaps we should go through our comments together to make sure you are understanding our intention.

Have a great weekend.

Nicole

From: Lathrop, Alison J. (GP LAW) [<mailto:Alison.Lathrop@GAPAC.com>]
Sent: Friday, May 03, 2013 10:53 AM
To: Wood, Nicole
Cc: Davis, Michael (GP Law)
Subject: Kalamazoo - TSCA follow up

Nicole – Following our meeting in Chicago, we have looked further into the application of TSCA as an ARAR and would like to discuss with you. While we agree that TSCA is an ARAR for disposal of excavated soil or dredged sediments, we don't view TSCA as an ARAR for soil or sediments that would be left in place because such soil/sediments are not PCB remediation waste as defined in 40 CFR 761.1 ("soil, rags, and other debris generated as a result of any PCB spill cleanup"). While TSCA risk values may be "To Be Considered" values in selecting a remedy, they should not be ARARs for soils/sediments left in place.

Even if soil/sediments left in place were considered PCB remediation waste, TSCA should not be included as an ARAR for the selection of the remedy. Under 40 CFR 761.61(a), the self-implementing cleanup provisions do not apply to sediments or cleanups conducted under Sections 104 of CERCLA; 761.61(b) applies only to disposal; and 761.61(c) outlines a risk-based approach consistent with the process already being undertaken at the site pursuant to CERCLA. To require Georgia-Pacific to obtain a risk-based approval under 761.61(c) would be duplicative of the Superfund risk-based process already completed.

I have attached a couple excerpts from relevant Region 5 documents - the ROD for OUs 3, 4 and 5 for the Lower Fox River and a CH2MHill Technical Memorandum regarding PRGs at the Allied Paper Landfill (OU1) of the Kalamazoo site. Both documents indicate that, to the extent TSCA is considered with respect to soils/sediments left in place, site specific values based on risk assessments conducted pursuant to CERCLA are utilized.

Can we set up some time next week to discuss? Michael and I are generally available Monday afternoon, Tuesday and Wednesday.

Thanks.

Alison

Alison J. Lathrop
Senior Counsel -- Environmental
Georgia-Pacific LLC
133 Peachtree Street, NE
Atlanta, Georgia 30303
404-652-4532 (direct dial)
404-583-6441 (mobile)
404-584-1461 (fax)
alison.lathrop@gapac.com